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The role of sanction in conflict resolution

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A contextual approach to the study of sanction maps an important connection between the behavioral sciences and jurisprudence.¹ Modern jurisprudence is open to the scientific study of every phase of law in society. The problems may be conceived from the point of view of a contemplative spectator of events or of an imaginative manipulator who thinks in terms of postulated goals.² Although the present discussion will not employ mathematical notation, the categories are defined with the formation of mathematical models in mind, and with an eye to the choice of operational indices that point toward workable programs of investigation.

It will be evident from the analysis of the sanctioning process that conflicts—demands in a social context that are at least initially perceived as opposed—imply prescriptive

norms, and that sanctioning patterns are among the norms involved in the eventual resolution of any conflict.

Norm, Sanction, Conformity

Conceptions of sanction, though diverse, share a common core of meaning (Arens and Lasswell, 1961, 1964). A sanction is perceived as implementing, or failing to implement, a social norm. Hence the question most commonly raised about an alleged sanctioning practice is whether it has affected or is capable of affecting the degree of conformity between norm and conduct.

Before outlining our theoretical models it may serve the goal of clarity to distinguish between *conventional* and *functional* definitions of terms such as law or sanction. Conventional definitions are the common usages in a social context; functional definitions serve the purposes of comparative research and analysis. For example, our functional definition of law refers to “authoritative and controlling decisions” in a specified territorial context. A commitment is “controlling” when it is expected to be enforced, if challenged, by the use of severe deprivations, and when research confirms the expectation. A commitment is “authoritative” when it is made in an appropriate manner by those who are regarded as justified in

¹ Publications using the jurisprudential approach employed in this discussion include McDougal and various others (1960, 1961, 1962, 1963), Arens and Lasswell (1961), Dession (1955), Dession and Lasswell (1955). See especially Lasswell and McDougal (1943), republished in McDougal and Associates (1960).

² The problem-solving approach performs five intellectual tasks: goal clarification; trend description; condition analysis; projection; alternative invention, evaluation, and selection. This article is chiefly concerned with the analysis of conditions. For a recent statement see Lasswell (1964).

making it (Lasswell and Kaplan, 1950, ch. 5).

The scientific observer who applies a functional definition must take the responsibility for selecting the minimum frequency of coincident expectations to be reached before a pattern is classed as "justified." The description may be refined by stipulating different frequencies for "elite," "mid-elite," or "rank-and-file" members of a body politic. Note that the expectation of authoritative-ness carries with it no necessary approval by the individuals who entertain the expectation. Respondent X may, for instance, disclaim any endorsement of the ethics of the legal system whose lawfulness he concedes. When these distinctions are kept clear, the interplay of "law" and "rectitude" is researchable in concrete situations.

If we begin research on sanctions by analyzing the statute book of a given jurisdiction, it must not be assumed that the printed prescriptions are "laws" in the functional sense. Research is essential to discover whether, in the circumstances prescribed on the face of the text, the norms are actually followed (to at least the minimum degree stipulated by the scientific observer). If not, the printed text is a "pretended" law.

The previous paragraphs assume that a useful definition of law includes both subjective events ("perspectives") and behavioral "operations"; and the operations are "communications" (sign-symbol patterns) and "collaborations" (other movements). If laws were understood to be "articulated rules"—as they have been conceived in many schools of jurisprudence—the study of law would be a branch of linguistics.³ When law is recognized as a "practice" (a pattern of perspectives and operations), it

³ For a glance at traditional approaches, see Bodenheimer (1962) and Friedrich (1958).

is obvious that the study of law deals with institutions; and since the significant outcomes are defined as "decisions," the institution is specialized to power.

The preceding references to sanction have implied the position that sanctions occupy in every authoritative and controlling prescription. A prescription, if complete, is a pattern of expectation with three components: (1) *norms*, or the standards of conduct permitted, required, or forbidden; (2) *contingencies*, or the factual circumstances to which norms apply; (3) *sanctions*, or the measures employed to encourage conformity or to discourage nonconformity. (These might be further subdivided into "sanction norms" and "sanction contingencies.")

Our functional definition of law provides the scientific investigator with a tool for examining fundamental questions about any particular community: (1) To what extent are conventional legal sanctions also sanctions in the functional sense? (2) To what extent are the functional sanctions in a body politic outside the law in the conventional sense? Although students of both jurisprudence and political theory are concerned with the interplay of authority and control in the world arena, no professional association has yet taken responsibility for reporting trends in the relative roles of *law*, *naked power*, and *pretended power* at world, national, or subnational levels. In part this absence of self-appraisal reflects the backward state of research on sanction law, which in turn reflects the confusion of mind among scholars and scientists.

The conception of law as decision draws a researchable line between outcomes in the social process that are part of the institutions devoted to power and outcomes belonging to other institutions. Decisions are defined to include outcomes in which expected and enforced sanctions are "severe."

When the sanctions are "mild," they are "choices," and are included in economic and other nonpower institutions.

The distinction makes it feasible to classify conventional statutes, treaties, and ordinances, for instance, when properly investigated, as belonging to the *public order* or the *civic order* of a body politic. A basic problem in science and policy is whether government, conventionally defined, is becoming more or less dependent on power, functionally conceived. As research expands in relevance and scope, the changing trend of public and civic order can be followed throughout the globe.

Dynamic Models of Public Order Sanctioning Systems

As a guide for research and policy dynamic models are required that purport to account for the structural and functional characteristics of public order sanctioning systems. Such models are contributions to comprehensive explanations of public and civic order, and hence to the social process as a whole. A sanction model can be constructed to best advantage when the larger framework of analysis is kept in mind. The social process, for example, is conceived as follows: *human beings* striving to maximize *preferred outcomes (values)* through *institutions* using *resources*.

Several challenges must be met in a sanctioning model. In terms of the categories employed in describing social process, the efforts to enforce sanctioning prescriptions are "institutional practices"; so, too, are acts of conformity or nonconformity with prescriptive norms. To *explain* individual or collective practices it is necessary to show that the participants expect to be better off doing what they do than by adopting an alternative response to the situation in which they find themselves. Hence the value per-

spectives prior to, and following, a response are critically important.

The social process model within which we are working employs eight categories to classify the outcome events in the continuing flow of interaction in a given context. In brief: *power*, or the giving, receiving, withholding, or rejecting of support in a decision; *enlightenment*, or the giving (etc.) of information; *wealth*, or the giving (etc.) of claims to the use of resources; *well-being*, or the giving (etc.) of claims to safety, health, and comfort; *skill*, or the giving (etc.) of opportunities to acquire and exercise teachable and learnable operations; *affection*, or the giving (etc.) of love or loyalty; *respect*, or the giving (etc.) of recognition; *rectitude*, or the giving (etc.) of responsible conduct. Since one general hypothesis is that conforming or nonconforming behavior is intelligible in terms of value expectations, the distinction must be kept between outcomes as *described by the scientific observer* and as *perceived by actors* in a situation. The scientific observer's functional definitions enable him to describe any social situation from a stable point of reference; hence he can attribute likeness or difference to the field of reference rather than to his unstable definitions.

The participants must be characterized for scientific purposes at any cross-section in time—therefore, according to their *perspectives*, and also according to their actual control over *base values*. Norm violators may be differentially recruited from elite, mid-elite, or rank-and-file strata in the control of power, enlightenment, and other values in the body politic. Value perspectives may be realistic or fantastic, a judgment that the observer can make in the light of the actual value position of the participant, and the impact of the *strategy* that he has employed or is likely to employ. The

situation in which the interactions are studied may be organized or unorganized.

The sanction makers and enforcers must be analyzed in the same way. If enforcement is expected to be hopeless, base values may not be put at the disposal of public authorities in a given jurisdiction; their strategies will be modified if assets are lacking, with resulting impact on outcomes and postoutcome effects.

It is to be noticed that the responses to be explained in a context are referred to *environmental* factors and also to *predispositions*. The latter (P factors) are brought into the context by the participants; the E factors are occurrences in the situation. For convenience, we can relate the *deprivational sanctioning process* activities to the social process as follows:

- I. *Prearena Events*
(Deprivational stage)
 - A. Precipitating
 - 1. Deprivational occurrences
 - 2. Preparation
 - B. Parallel
 - 1. Deprivational occurrences
 - 2. Preparation
- II. *Arena Events*
 - A. Identifying situations that disturb public order
 - B. Sanctioning: targets, measures, sanctioners

When the social process of any body politic is not entirely politicized, the typical initiating event with which we are concerned is an event that is perceived by at least one participant as a value deprivation, and takes place outside an arena. An *official* arena is defined as a situation in which a conventionally perceived official plays his formal role. A *control* arena is defined by the scientific observer in functional terms to designate situations in which an effective power holder is a participant; a *lawful* arena is a situation in which authoritative and controlling participants are involved.

By a "precipitating event" is meant one that eventually becomes a topic of conflict in an arena. A "parallel event" is similar to a precipitating event save that it is not brought to the notice of decision-makers. Observe that if research is focused on official arenas, an important finding may be that certain control arenas forestall submission to lawful arenas. Observe that the most direct recipient of a deprivation may be a masochist who does not resent it and who initiates no action. An initiative in characterizing an occurrence as deprivational may be taken by someone who believes that he saw a murder committed, or property being taken from someone else. The self system of an individual can be identified with the system of public order; hence an apparent violation is experienced as a deprivation, and inaugurates a conflict (a conflict is a demand that is made on the assumption that it is incompatible with the demands of others).

The term "preparation" covers the claims that are made in regard to the deprivation with the expectation of bringing it to an arena. Often this involves direct negotiation among contending parties and the use of unofficial mediation, conciliation, or arbitration. In the case of some parallel events these activities settle the controversy.

The sanctioning stage includes *first* all acts that are involved in identifying situations that disturb the public order. The typical arena involved in litigation includes invoking and applying arenas (terms soon to be defined); but prescribing, promoting, and intelligence arenas may be heavily implicated also if attempts are made to modify statutory prescriptions. If litigation is engaged in, the sanctioning stage includes prejudgment and preverdict activities of decision-makers, and activities during the same period carried on by claimants. On entry

into a judicial arena the parties acquire a formal identity (“accused,” “defendant,” “plaintiff”) and typically employ counsel who phrases the various claims and counter-claims in terms of authoritative prescriptions. Counsel presents fact form statements (testimony) and objects of study (exhibits).

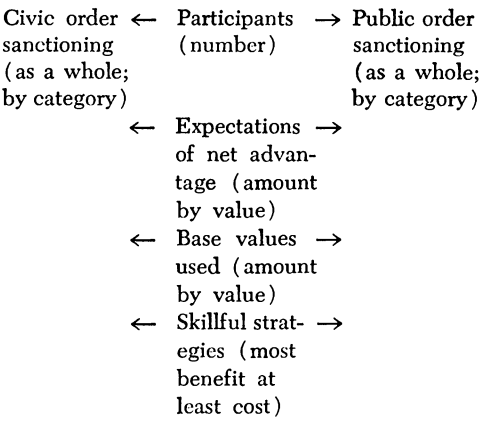
The *second* sanctioning stage embraces all commitments regarding targets, measures, and sanctioners. If a jury and court are the decision-makers it is clear who the targets of official indulgence or deprivation are, and what strategic measures are selected for the purpose. The identity of the final official sanctioners is equally explicit. But the postdecision effects call for follow-up researches. Since the second stage covers all commitments (intelligence, promoting, etc.), the possibility suggests itself that specialized models can be constructed to cover the following: the interplay of the *several functions in the sanctioning component* of decision; the interrelations between the flow of *sanctioning decisions and post-decision effects* on the social process; the interconnection between the decisions and the *pre- and co-events that precipitate or may precipitate decision* (precipitating and parallel, and concurrent events outside official arenas that influence what occurs in the arenas, such as gossip at the decision-makers’ club).

Since sanctions are defined to include value indulgences as well as deprivations, it may seem odd to speak of the first major phase of the deprivational sanctioning process as “deprivational.” Acts of conformity to prescription—acts of indulgence—may be requisites for official rewards. It need not be misleading, however, to adhere to the usage employed here, since the initiative for a reward rests with officials, and the basic goal is well understood to be the

avoidance of deviation (deprivation) of public and civic order prescriptions.

We are in a position at this point to formulate two fundamental propositions, one about sanctioning decisions and one about conformity choices. *Sanctioning* activities and forms rise or fall according to *expectations of net value advantage* by the *largest number of participants* who use the *most base values* by the *most skillful strategies* to affect *sanction decisions*, and who are *predisposed* to the sanction response. *Conformity* rises or falls according to *expectations of net value advantage* by the *largest number of participants* who use the *most base values* by the *most skillful strategies* to affect conformity *decisions and choices*, and who are *predisposed* to conformity.

Schematically the sanctioning model can be outlined as follows for a specified body politic. Conformity factors, though not specified, influence the sanctioning model at every step.



Consider the indices most pertinent in various arenas. The following comments are suggestive, not exhaustive:

Public order sanctioning. The decision process can be conveniently described in seven suboutcomes:

(1) Intelligence, or fact-form statements about sanctioning activities whose preparation and dissemination are prescribed by law. In US society, news in public media receives protection. The flow of statements can be described by content analysis of interviews, media, official documents, etc.⁴

(2) Promoting. Demands about sanctioning are made by various government agencies, political parties, and pressure entities (and receive legal protection in the US). Speeches, party platforms, and resolutions can be analyzed to describe the flow of demands (see the discussion by Vose, 1958).

(3) Prescribing. Effective prescriptions in regard to sanctions are among those passed by constitutional conventions, legislatures, and executives. The flow of sanctioning prescription can be described by content analysis of constitutional provisions, statutes, ordinances, etc.⁵

(4) Invoking. Invocations are provisional characterizations of a concrete situation in terms of a prescription (conforming to; violation). Indexed by arrests, complaints, and indictments.⁶

(5) Applying. Applications are final characterizations of a concrete situation in terms of a prescription. Indexed by convictions, acquittals, judgment for plaintiff or defendant.⁷

(6) Appraising. Aggregate characterization of official activities in terms of policy goals and objectives. Indexed by statements in reports of commissions of inquiry, editorial comment, etc.⁸

(7) Terminating. Repeal of sanctioning prescriptions and readjustment of particular sanctions. Indexed by statutes, parole, commutation, reprieve, pardon, cancellation of civil obligation, etc.⁹

Civic order is expressed in policy commitments that are not classified as decisions since the sanctions are mild. (Obviously this is according to the definitions adopted by the scientific observer. The criterion can be majority agreement by sample of the context.) Note that in many value-institutions no specialized structure prescribes norms and sanctions. But "custom" is also a recognized source of legal prescription, and customary laws that are not in the

⁴ The content most explicitly referring to conventional events of sanctioning reports arrest and sentencing, for example. Media studies of "crime news" include such items, often without separate subcategories. A thoughtful pioneer study is that by Kingsbury, Hart, and others (1937).

⁵ Contemporary concern with quantitative studies of legal process are gradually bringing into circulation trend and distribution studies of prescriptions (see Cowan, 1963).

⁶ The following are approximate measures of invocation: number of offenses cleared by arrest, number of persons charged (held for protection), number dismissed before trial, number convicted by lower tribunal making appeal. The foregoing refer to "criminal" actions. Invocations also include "civil" complaints and actions by officials that correspond to the responses noted above to "criminal" problems.

⁷ Note that convictions or acquittals by lower tribunals, if unappealed, are in this category. Similarly, the disposition of "civil" controversies belong here, as do the final determinations in concrete situations made by civil or military administrators. Provisional determinations are invocations.

⁸ No regular summaries are available of the reports made officially of which policies have been effectively executed, and where specific responsibility lies for any lack of performance. Content analysis of judicial decisions provides precise indices of the prescriptions alluded to, omitted, or ostensibly applied, thus enabling the scholar-observer to appraise the relative role of prescriptions.

⁹ Included also are the dispositions of claims that rise from the change of community policy (e.g., land condemnation for public rather than private use).

statute books can be generalized from particular cases.

Participants. Participants in public or civic order are not only individuals; they are also groups, organized or unorganized. The reference here is to the number of people or of each category of association involved. As sanctioning models are made more refined, attention is given to categories of participants who are deemed worthy of investigation as factors determining the response under study. Participants may be divided into *culture*, *class*, *interest*, *personality*, and *crisis* categories. It is often obvious that culture predispositions,¹⁰ plus exposures during a given period, will probably affect sanctioning policy (foreign born, native born; severe versus mild sanction cultures in regard to particular norms; sections of the country).

Class analysis is likely to be rewarding, since final responses depend on the degree of elite, mid-elite, and rank-and-file involvement.¹¹ The eight-fold value-institutional analysis of social process points to appropriate class divisions (power, enlightenment, wealth, well-being, skill, affection, respect,

rectitude). A further analysis may be made according to *interest* grouping, which is defined to refer to a shared expectation of advantage on a scale that cuts across or is included in culture or value class categories.¹² Interests can be identified with almost infinite profusion, but those eventually relevant to sanctioning may be past and present civil litigants (satisfied, dissatisfied) and parties to criminal action (also self-perceived targets of indulgence or deprivation in nonofficial situations of a criminal or civil character). The analysis may be pushed further to include *personality* groupings.¹³ *Crisis* and intercrisis distinctions may be noted (which implies that the previous categories of culture, class, interest, and personality can be subclassified in these terms).

Expectations. All participants mentioned above should be described by the best available methods to establish their expectations. Some of the categories referred to can be identified by indices independent of their expectations about sanctions (elites, for example).¹⁴ But some important groups

¹⁰ Cross-cultural studies of sanctioning and conformity are in a preliminary stage, even though the materials are partially available currently through the United Nations. Among the interesting hypotheses is the suggestion that severity of sanction is affected by the severity of child training procedures (see Child, 1954).

¹¹ Systematic class analysis has been greatly stimulated by Lloyd Warner and associates, who emphasized upper-class exemptions from law enforcement. On middle- and upper-class violations in general, see Sutherland (1949) and Cressey (1953). The late Srend Ranulf devoted himself to investigating by quantitative methods the impact of changes in class structure on the scope and severity of criminal legislation (1964). Research on class is still relatively undifferentiated, focusing mainly on wealth, skill, and respect.

¹² Every skill specialty becomes a cluster of interest groups (pickpockets, bank robbers, confidence men, gamblers, prostitutes, and so on). This applies also to police, judges, prosecutors, defense attorneys, bondsmen, penal officials, and so on. Interest groups form coalitions with and against each other, crossing and recrossing "legitimate" lines.

¹³ Intense or moderate personality conflicts affect the response of each participant to every situation in which he plays a defined or undefined role. The psychopathic personality—a "character disorder"—is conspicuous in violent situations, whether on the side of the law or against it. For basic orientation, consult Arieti (1959, especially vol. 1, ch. 19).

¹⁴ Social surveys are only beginning to be used to discover the perspectives that are distinctively associated with elite, mid-elite, and rank-and-file positions at specific cross-sections

acquire significance as a result of their outlook on sanctions. In these cases, obviously, the numbers of participants must be recorded after the research on expectations is well along.

Base values. The participants mentioned above were identified according to their position in reference to the values at any given time. This does not, however, inform us whether available base values are actually used to influence sanctioning policy; this is what is called for in the present part of the outline.¹⁵

Skillful strategy. Strategies can be described in many ways (coalition, isolation; persuasion, coercion, etc.). But the most pertinent mode of reference summarizes a relationship between cost and benefit. Costs and benefits are most conventionally stated in money terms; but all values would enter into a comprehensive, systematic analysis. In some anti-crime crusades, for example, churches and clergy may be heavily used; but this may backfire by stimulating liberal groups to oppose "blue law" enforcement and by encouraging violation.¹⁶

The preceding outline draws attention to the interweaving of sanctioning arrangements with the social context; however, this is no news to the contextualist. Modern data processing renders it possible for the

first time to keep a comprehensive simulation of sanctioning up to the minute in any context. The chief difficulty is the slow mobilization of initiative among jurists, political scientists, and other intellectuals with an interest in data gathering. Pressures on government intelligence and appraisal agencies produce unbalanced results; to some extent these imbalances can be corrected by university and other institutions of private research.¹⁷

Consider, for instance, our present lack of knowledge about the total value impact of official sanctioning practices. To say the least, we have few field researches that sample the parties who are involved at the different phases of the deprivation-sanctioning sequence. There are ample indications in the US that the results sought by conventional sanctioning arrangements do not accomplish their proclaimed objectives. A preliminary analysis of sanctioning trends in the US established several strong presumptions (Arens and Lasswell, 1961, especially ch. 10):

In terms of respect there are some explicit denials of basic human equality of right, and various discriminations that stem from contradictory doctrines of responsibility. Summary proceedings are resorted to in an unnecessarily large number of instances. In terms of enlightenment it is evident that the language of penal codes lacks self-consistency, and that words like "civil" and "criminal" mislead officials and the public at large. When we look at the wealth assets employed in constructing and maintaining

in time. More "intensive" methods will be persuasive only when related to patterns established by surveying (and similar methods of an "extensive" character).

¹⁵ Research is needed into the assets (wealth, etc.) used for the enforcement and nonenforcement of the same prescription.

¹⁶ A useful first step in the study of skill is to interview samples of the specialists who are involved in administering and in blocking the administration of laws. The anecdotal books by police officers, prosecutors, and counsel for the defense are suggestive, but provide a dubious guide to the level of skill in any context.

¹⁷ We need to develop academic and citizens' "counterpart" organizations to the official structures devoted largely to sanction law. Such organizations could simulate the past and contingent future of the official agencies and perform an unofficial role in appraisal and intelligence functions.

our sanctioning organs—courts, police, penal establishments—and examine the persisting cost of “crime,” the productivity of the tax dollar is not high. Many standard sanctioning measures are administered in ways that contribute to the mental and physical deterioration of those whom they touch. Our system erects many barriers against the recruitment of skilled personnel to execute sanctioning programs, and encourages the misdirection of skill into distorting and defeating the aims of public policy. The sanctioning process does not give sufficient consideration to the integrity of family life. For instance, imprisonment is gratuitously disruptive.

In regard to rectitude, the relative failure of the sanctioning system to build responsible character is evident in the subsequent record of those who have passed through its ministrations. The political significance of sanctioning—the net effect on democracy, for example—raises many doubts. The corruption of political parties and hence of government officials undermines confidence in the genuineness or the workability of popular institutions.

The Codes of a Public Order System

As a means of focusing investigation on various sectors of the problem it may be serviceable to provide a systematic outline of the place of sanctioning arrangements in the codes that comprise a public order system. The following subcodes can be identified for purposes of cross-cultural and historical comparison:

Constitutive. These prescriptions identify authorized participants in the decision process itself, the permissible objectives for which power may be used, the organized structures involved, the degree of authorized control over base values (assets), the character of eligible strategies, and the mode of

registering outcomes. The constitutive codes are the “fundamental allocations of power” in each arena, including the world community, each nation-state, and each subnational body politic. The constitutive sanctions embrace all the measures eligible for employment as strategies to mobilize continuing defense and fulfillment of the system of public order.¹⁸

Supervisory. The supervisory code presupposes that the government limits its degree of participation in the social process in such a manner as to establish a presumption in favor of the resolution of private conflicts privately. The supervisory code, therefore, encourages the voluntary settlement of disputes at any time up to near the end, even though provisions are made to guide the discretion of community decision-makers if they must eventually commit themselves. In our society judges are usually acting at the initiative of one or both parties in a controversy over the obligations of a private agreement (contract), or in a dispute over an alleged wrong (tort). Sanctions are available to the judges for use for or against the parties concerning whom he decides. Unlike the constitutive code, sanctioning under the supervisory code must wait until a private party has taken an initiative.¹⁹

¹⁸ A first step is to content-analyze all the authoritative documents that are conventionally called “constitutions” or “fundamental laws.” Quantitative procedures now render it feasible to compare in detail the provisions of the constitutions of all world states at convenient time-markers.

¹⁹ A first step is to content-analyze the “contract” and “tort” provisions of all legal systems. As we have emphasized, a final determination of the “lawfulness” of a statement must be postponed until appropriate research has established at least a minimum critical frequency of application when the contingency circumstances occur.

Regulatory. Regulatory prescriptions specify the limits within which private (or, in socialist systems, private-equivalent) activities are to be carried on. Deviations from these limits are not viewed solely as private matters; hence officials are expected to act to restore the situation by the use of positive or negative sanctions if required. For example, initiative may be taken to break up an unlawful political party; to dissolve a spy ring; to restrict a monopolistic business; to raise the standards of private hospitals; to improve private schools; to abolish discrimination in private employment; to provide variances for church buildings.²⁰

Enterprisory. These prescriptions relate to activities that are continuously administered by government, even though they are not necessary for minimum power purposes. Enterprisory operations are found in both socialist and capitalist societies, though the two systems typically differ in some of the functions that they assume to be indispensable to the government. Sanctions are employed to keep policy control in authorized hands and to obtain conformity.²¹

The Systematic Objectives of Sanction Law

As a further step toward a strategy in the choice of research topics, we now outline a systematic set of sanction law objectives. If related in detail to the public order of the United States or of any other selected

society, the outline can be used to exhibit the characteristics of the sanctioning component of the larger system.

Deterrence. The objective of deterrence is abstinence from violation of norms. A deterrence response can be defined at several observational depths. One stipulation, for instance, may be that *a violation has been considered and rejected*, as when the policy-makers of a political party consider the use of violence in some precincts but reject the idea in view of the probable response of law enforcement officers. Or, on similar grounds, the editors of a journal reject a potential cause of libel action, a retailer refrains from false labeling, a hospital abstains from further staff cuts, a school refrains from corporal punishment, a husband rejects bigamy, a union does not refuse to admit Negroes, a church does not build in defiance of building regulations. The stipulations relating to deterrence may be extended to include *unconscious resistance* against impulses that violate norms. In this case it may seem far-fetched to speak of conflict resolution by the use of sanction. However, it is not unreasonable to enlarge the relevant context of events to include the earlier collective act, followed by individual conscience formation in accord with the norm.²²

Restoration. The objective is to stop a violation and to return the situation as far as possible to the original state of conformity with the relevant norm. A successful

²⁰ Research on regulatory codes usually leads to an aggregate picture, however dim. The problems are, of course, complex. For a guide to the analysis of economic regulation in our system, see Massel (1962).

²¹ For a step in a promising direction, see "government and politics" in Russett *et al.* (1964, p. 56).

²² Observe that it is not enough to show that violations have dropped as enforcement efforts have increased. Relevant data would include: interviews with "conformers" matched with "nonconformers" who testify that deviation was considered and rejected because of the increased probable *net* cost of nonconformist policy. The gains of deviation sometimes are perceived as increasing more rapidly than probable cost of sanction.

strategy of this kind is exemplified when the armed forces of a power, having impermissibly established themselves on the territory of another power, retire without inflicting damage.²³

Rehabilitation. The objective is to undo any deprivations that have been imposed in the course of the violation. Indemnities may be set to take care of the property damage done by an unlawful expedition. When they go beyond rehabilitation to burdens designed to influence future conduct, the strategic aim is mainly deterrence.²⁴

Prevention. The objective is to diminish the likelihood of future violation by changing practices that act provocatively and thereby contribute to violations. Deterrence acts when an impulse is aroused; prevention acts to forestall the mobilization of impulses that endanger public order. Many industrial abuses have been abolished as a means of reducing violations of agreement.²⁵

²³ See the analysis in McDougal and Feliciano (1961, pp. 311–16, 319–20, 325–29, 330, 346, 352, 356, 360).

²⁴ In folk societies a fundamental objective latent in the traditional practices to cope with an act of impermissible destruction of values is both restorative and rehabilitative. The problem is to return the situation to the previous equilibrium, and in this sense is a homeostatic adjustment. To return to the original state calls, among other arrangements, for the rehabilitation of those entities whose value positions have been undermined, which is more than bringing the deviation to an end.

²⁵ Systematic application of the value categories draws attention to the sectors in which provocative deprivations are reduced, thereby exerting a preventive effect. Failure to permit registration for voting, failure to post notices of significant dates, unwillingness to readjust wages despite rising living costs, neglect of open ditches as accident hazards, failure to provide school facilities, indifference and discourteous conduct by managers, use of obscene language and gestures: these are common in-

Reconstruction. The objective is to encourage revolutionary changes in a collective situation that will alter both norms and sanctions. Prevention operates within an accepted framework that is somewhat reformed; reconstruction implies many reforms of a sweeping character. At the end of great eras it has become common to attempt to frame a system of public order that drastically reduces the circumstances in which resort to inadmissible coercion occurs.²⁶

Correction. The objective of a correction strategy is to transform the individual by rendering him susceptible to ordinary sanctions. A corrective problem arises, for instance, when an individual is biologically *defective* and cannot learn to adjust his behavior according to the costs and gains (the value deprivations and indulgences) that influence most members of the community. Unless such a defective can be transformed by medical or surgical means, the community must protect him and others from mutual harm. Another set of correc-

stances in the sectors of power, enlightenment, wealth, well-being, skill, affection, respect, and rectitude.

²⁶ An example of formal authorization of a value inducement to help obtain conformity to a bitterly contested norm is afforded by the Civil Rights Act, 42 USC 2000 C (1964): "The Commissioner is authorized, upon the application of any government unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems."

tive problems is presented by those who have been *insufficiently exposed* to the norms of public order to have an opportunity to learn them. Foreigners, rustics, and persons from exceptionally isolated communities come in this category. They require education in the norms. In some cases, lack of opportunity to acquire the general norms has been accompanied by *indoctrination in antagonistic norms*, as with the dutiful son of a pickpocket, or of a family that rejects the payment of taxes on religious grounds. Children may be corrective problems, even without negative indoctrination, through insufficient experience with public order and with insufficiently realized capacity.²⁷

In this mode of analysis, "punishment" is not listed as an objective of sanction. We concur with the late Professor George H. Dession, and others, in treating the demand to punish as a factor that *conditions* the sanctioning response, but that has no business dictating it.²⁸ This need give rise to no scientific confusion if other investigators include "punishment" as an objective rather than a condition. The same perspectives and operations figure in one case at the "outcome" phase; in the other case, they are "preoutcome" events.

Conclusion

It may not be amiss to comment again on some of the questions that arise in relating conventionally reported information to the indices required by the deprivation-sanctioning model. Consider first the provisional use of the scheme to organize information about the conventional activities of public officials. "Crimes known to the police" may

be used as first approximations of prearena deprivations. The figures are unsatisfactory, since public officials are the source, and prearena events are defined to refer to preofficial events. As indicated above, behavioral scientists working in their private capacities can do much to fill the present conspicuous gap in trend or factor knowledge about society and law. Almost no data are systematically reported about the perspectives of those who figure as participants in sanctioning or conforming processes. Hence only the crudest improvisations can now be made in attempting to relate a dynamic model to the facts of life. In fact the point applies whether we are referring to preoutcome, outcome, or postoutcome events of decision or choice.

We predict that the scientific study of the sanctioning process in the world community as a whole and in its several components will help provide a vast body of realistic intelligence and appraisal data for the decision process, and that the effect will be to clarify the goals and perfect the institutions of public and civic order. We do not predict that the result will *necessarily* contribute to the system of public order with which we associate ourselves (i.e., the public order of human dignity). But our hypothesis is that the expansion of knowledge will *probably* contribute to this result. In any case, the science and policy of conflict resolution will be deepened and broadened both contemplatively and manipulatively.

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²⁷ In this context refer to Lasswell and Donnelly (1959).

²⁸ A principal theme in his important lectures (1955).

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